

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM R. McCUMBERS,

Plaintiff,

vs

6:01-CV-530

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, William R. McCumbers, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated January 4, 2005, the Honorable David R. Homer, United States Magistrate Judge, recommended that the decision denying disability benefits be affirmed, and that the plaintiff's motion for a finding of disability be denied. The parties have timely filed objections to the Report-Recommendation.

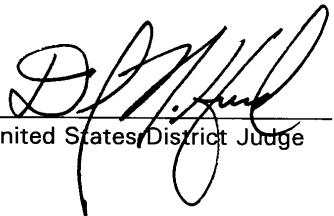
Based upon a de novo determination of the portions of the report and recommendations to which the parties have objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The Commissioner's determination in this matter is AFFIRMED; and
- 2 . The plaintiff's complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: April 6, 2005
Utica, New York.